

Private Admonition -- Board Case No. 17. 1988. Date of Sanction: December 29, 1988. A panel of the Board on Professional Responsibility imposed a private admonition after a hearing. The sanction was imposed after a finding that the Respondent violated **DLRPC 1.15(a)** and **1.15(c)**. Those rules require an attorney to hold property of clients or a third person that are in the lawyer's possession in connection with a representation separate from the lawyer's own property and identified as such.

The Lawyer represented a company in an action brought by a lender ("Lender") to collect a deficiency on a mortgage under a note. Lender moved for a writ of attachment lis pendens on the grounds that the property was the company's only asset in Delaware and that the property was up for sale which, if sold, would deny Lender the ability to satisfy any judgment ultimately obtained.

The attorney requested and the client agreed to give the attorney the proceeds of the sale of the property as a legal fee which would also prevent a judgment from being entered against them. Prior to the trial date, with the consent of the client, the attorney conveyed the property to him/herself. The Board concluded that even though the attorney's title to the property was subject to possible claims of the client, a third party, or Lender, the deed should have identified the attorney in the capacity of an escrow agent or a fiduciary in order to satisfy the requirements of **DLRPC 1.15(a)** and **(c)**.

The Board cited Standard 4.14 of the American Bar Association Standards for Imposing Lawyer Sanctions in selecting and imposing the private admonition. Standard 4.14 provides that an admonition is generally appropriate when a lawyer is negligent in dealing with a client property and causes little or no actual or potential injury to a client.